IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2007

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

C.R.P.NPD.NO.323 OF 2006
AND
C.M.P.NO.2512 OF 2006

Manharlal J.Parekh .. Petitioner/ Tenant

Vs.

V.L.Narayanan .. Respondent/ Landlord

This civil revision petition has been preferred under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act, 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 80 against the fair and decreetal order dated 6.12.2005 passed in RCA No.162 of 2005 on the file of the VIII Small Causes Court, Chennai, confirming the fair and decreetal order, dated 18.1.2005 passed in M.P.No.799 of 2004 in RCOP No.1649 of 2003 on the file of the XIV Small Causes Court, Chennai.

For Petitioner : Mr.A.Thiagarajan

For Respondent : Mr.P.B.Ramanujam

ORDER

A challenge is made to an order of the Rent Control Appellate Authority made in RCA No.162 of 2005, whereby the order of dismissal made in M.P.No.799 of 2004 in RCOP No.1649 of 2003 by the XIV Judge, Small Causes Court, Chennai was affirmed.

2.The landlord/respondent filed the said RCOP for eviction of the revision petitioner/tenant on the ground of demolition and reconstruction. Pending enquiry, M.P.No.799 of 2004 was filed for receiving additional counter and that petition was dismissed. On dismissal of the said petition, the tenant took it on appeal in RCA No.162 of 2005 and the same was also dismissed, which is the subject matter of this civil revision petition.

3.The Court heard the learned counsel on either side. It is brought to the notice of the court that the main RCOP No.1649 of 2003, on enquiry was ordered in favour of the landlord and the tenant has also preferred an appeal in RCA No.867 of 2006 before the VII Judge, Small Causes Court, Chennai. The court is of the considered opinion that there cannot be any impediment for issuing a direction to the appellate forum to consider the averments put forth in the additional counter and also at the time of hearing of

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the appeal and pass suitable orders on merits and in accordance with law, as the Rent Control Appellate Authority would require and dispose of the RCA within a period of two months from the date of receipt of copy of this order. Accordingly, a direction is issued. This civil revision petition is disposed of. No costs. Consequently, connected CMP is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vvk

To

1.VIII Judge,
Small Causes court,
Madras.

2.XIV Judge,
Small Causes court,
Madras.

1 cc top Mr.P.B.Ramanujam, Advocate, Sr. 33866

C.R.P.NPD.NO.323 OF 2006

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